

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF KING

TODD HAGEN,

Plaintiff,

v.

SAFEWAY, INC., a Delaware corporation
doing business in Washington State,

Defendant.

No. 19-2-21541-1 SEA

**COMPLAINT FOR PERSONAL
INJURIES**

COMES NOW the plaintiff, above-named, by and through their attorney of record, James
Dixon of Dixon & Cannon, Ltd., and for cause of action against the defendants, complains, alleges,
and states as follows:

I. PARTIES

1.1 At all times pertinent, Plaintiff Todd Hagen resided in King County, Washington.

1.2 At all times pertinent, Defendant Safeway, Inc. ("Safeway"), is a Delaware
corporation, doing business in King County, State of Washington. Specifically, Safeway owns

COMPLAINT

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DIXON & CANNON, LTD.
601 Union Square, Suite 3230
Seattle, WA 98101
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1 and operates a retail Safeway grocery store at 6850 NE Bothell Way in Kenmore, Washington
2
3 98028. This Kenmore Safeway is known by Safeway as Store #3500.

4 **II. JURISDICTION AND VENUE**

5 2.1 This Court has jurisdiction over the parties and subject matter of this action. Venue
6 is proper within King County as the incident occurred in King County.
7

8 **III. FACTS FORMING A BASIS FOR RELIEF**

9 3.1 On the afternoon of August 17, 2016, plaintiff Todd Hagen was shopping at the
10 Kenmore Safeway located near his home. As such, he entered Safeway's premises for a business
11 purpose related to the business of the landowner.

12 3.2 On that same afternoon, a Pepsi representative was in the soda pop aisle. The
13 representative had been invited onto the property by Safeway for the purpose of increasing the
14 sale of Pepsi products and thereby increasing the revenue of Safeway.
15

16 3.3 The Pepsi representative either caused a spill or became aware of a spill on the
17 soda aisle.

18 3.4 The Pepsi representative notified other Safeway employees of the spill.

19 3.5 A short while later, Mr. Hagen was pushing a shopping cart down the soda aisle.
20 There were no warnings, either verbal or signage, indicating the floor was wet and slippery.
21

22 3.6 As Mr. Hagen's feet hit the wet portion of the floor, his legs went out from
23 underneath him. He fell to the ground, hitting his left knee.

24 3.7 Mr. Hagen had undergone left knee surgery three months earlier. His knee pain
25 upon falling to the ground at the Safeway was immediate and severe.
26

1
2 3.8 As a result of the fall, Mr. Hagen underwent a second surgery. There were
3 complications following this second knee surgery, which resulted in a prolonged and painful
4 recovery.

5 3.9 As a business invitee, Safeway owed Mr. Hagen a duty to maintain its premises in
6 a reasonably safe manner and protect him from dangerous conditions on Safeway's premises that
7 they knew or should have known about.
8

9 3.10 Safeway had actual or constructive notice of the dangerous condition.

10 3.11 Safeway breached its duty of care to Mr. Hagen to remove the liquid on the floor
11 or, in the alternative, to provide notice of the dangerous condition.

12 **IV. CAUSATION AND DAMAGES**

13 4.1 As a proximate result of the carelessness and negligence of Safeway, Todd Hagen
14 sustained significant injuries. In addition, he incurred damages in an amount to be proven at trial
15 which include, but are not limited to the following elements:
16

- 17 A. For special damages in an amount to be proven at the time of trial;
18 B. For general damages in an amount to be proven at the time of trial;
19 C. For costs and disbursements, including reasonable attorney fees
20 incurred in bringing this action that may be allowed by any rule or
21 statute;
22 D. For pre-judgment interest on special damages; and
23 E. For such other and further relief as this court deems just and
24 equitable.
25
26

1
2 DATED: August 15, 2019

3 s/ James Dixon

4 James Dixon, WSBA # 18014

5 Dixon & Cannon, Ltd.

6 601 Union Street, Suite 3230

7 Seattle, WA 98101

8 (206) 957-2247

9 james@dixoncannon.com

10 Attorney for Plaintiff

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